



MEETING MINUTES

MILPITAS PLANNING COMMISSION

Wednesday, February 27, 2019

CITY HALL COUNCIL CHAMBERS

455 E. CALAVERAS BLVD., MILPITAS, CA 95035

I. PLEDGE OF ALLEGIANCE

Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/ SEATING OF ALTERNATE

Present: Chair Mandal, Vice Chair Ciardella, Commissioner Morris, Sandhu, Alternate Commissioner Chua

Absent: Commissioner Maglalang, Mohsin (unexcused)

Staff: Ned Thomas, Jessica Garner, Heather Lee, Avery Stark, Lillian Hua, Elizabeth Medina

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the commission and there were no speakers.

IV. APPROVAL OF MEETING MINUTES

There are **no** minutes to review for approval.

V. ANNOUNCEMENTS

Planning Director Ned Thomas provided departmental updates to the commission regarding:

- ADU Ordinance was scheduled to go to the Council in March but has moved to Council meeting on April 19th.
- Short Term Rental (STR) presentation was given to the Council on last night (2/26/19) and was received very well. Economic Development will continue to work on the ordinance and will keep Commission updated on upcoming STR meetings.
- Council brought action to new appointments of Planning Commissioners at last night's (2/26/19) Council meeting, Timothy Alcorn and Bill Chuan.
- Certificates will be presented to Commissioner's whose terms have expired at the end of this evening's meeting.
- Form 700 has been provided by Secretary, Elizabeth Medina for Commissioners to sign and return to City Clerk's office.

Chair Mandal recognized and welcomed future Planning Commissioners, Timothy Alcorn and Bill Chuan who were in attendance of meeting.

VI. CONFLICT OF INTEREST

City Attorney Heather Lee asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

Vice Chair Ciardella stated he met with Applicant of the Sprig Center this week.

VII. APPROVAL OF AGENDA

Chair Mandal asked if staff or Commissioners had changes to the agenda. Planning Director, Ned Thomas noted that Public Hearing Item #VIII-1 - **BAPS MANDIR FAÇADE REMODEL AND CANOPY ADDITION – 1430 CALIFORNIA CIRCLE – P-UA19-0002, P-MS19-0010** has been removed from this evening's agenda and will be renoticed for a future date.

Motion to approve the February 27, 2019 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Morris

AYES: 5

NOES: 0

ABSTAIN: 0

VIII. PUBLIC HEARING

VIII-2 HIEN HUYNH LARGE FAMILY DAY CARE HOME - 13 Hemlock Lane. P-LF18-0006 – A request for a Conditional Use Permit to allow a large family daycare home to operate within 300 feet of another existing large family daycare home. Conditional Use Permit is required per City Code Section XI- 10-13.06 (C)(1) Exception. This project is statutorily exempt from further CEQA review pursuant per Section 15274 (Family daycare Homes) and categorically exempt from further CEQA review pursuant to Section 15332 (In-Fill Development Projects).

Project Planner Avery Stark showed a presentation and discussed the project.

Commissioner Morris asked about the phone call that was received regarding the project. Mr. Stark said the phone call was from a neighbor within 300 feet of project with the same first/last name as Applicant and wanted to make sure it wasn't regarding them. Commissioner asked how many employees will this day care have. Mr. Stark said they would only have one employee; Applicant will operate taking care of ten children.

Commissioner Chua asked if the City received any feedback from the existing neighboring day care facility. Ms. Stark noted none was received but he did visit that site to let them know he is available if they have any questions/concerns regarding this project.

Chair Mandal inquired about the 4-5 parking spaces required. Mr. Stark referenced the Municipal Code for an expansion to a large family child care requires two parking spaces for the resident, one parking space for every one and a half employees, and one parking space for every six children for loading and unloading. Chair Mandal asked if there is a requirement if a child care facility is in the vicinity of another child care. Mr. Stark noted that this item is being presented this evening because it is within 300 feet of another child care; however, this application could

have been approved at Staff level if it were 305 feet away from each other (per City of Milpitas Municipal Code).

Chair Mandal invited Applicant, Hien Huynh to podium.

Commissioner Morris thanked Applicant for providing a service in Milpitas and asked how long has she been doing child care. Ms. Huynh said she has worked at a child care center for ten years; and started her own day care at home in March 2018.

Commissioner Chua asked if this was her first facility in Milpitas. Ms. Huynh said this her first time to be a day care owner. Ms. Chua asked if she had a facility outside of Milpitas. Ms. Huynh said she has lived in Milpitas since 2011 and it was until 2018 that she started her own child care.

Vice Chair Ciardella asked what are the children ages. Ms. Huynh said the ages are one to five years old. Mr. Ciardella asked if that age group makes there a requirement for a child's toilet. Mr. Stark noted that is under the Building Department's perview. Applicant said that they installed a child seat in the restroom to make sure it is safe for the children.

Chair Mandal invited members of the audience to address the commission and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Morris

AYES: 5

NOES: 0

Motion to adopt Resolution No. 19-005, approving Conditional Use Permit No. P-LF18-0006, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Chua/Commissioner Sandhu

AYES: 5

NOES: 0

VIII-3 SPRIG CENTER MASTER SIGN PROGRAM AND VARIANCE - P-SD18-0005, P-VA19-0001. A request for a Site Development Permit and Variance to create a master sign program for a multi-tenant commercial center consisting of wall signs, one freestanding price sign, and one multi-tenant pylon 60-foot tall freestanding sign.

Project Planner Lillian Hua showed a presentation and discussed the project.

Commissioner Morris asked if the sign will be illuminated. Ms. Hua said that the signs will be internally illuminated. Ms. Morris clarified if the whole structure will be lit or only where the customer's logos are at. Ms. Hua noted only the cabinet will be illuminated.

Commissioner Chua asked Ms. Hua if there is any where else in Milpitas that has a master sign program. Ms. Hua said many of the commercial centers, such as Town

Center, McCarthy Ranch and Milpitas Square have master sign programs. Ms. Chua asked if there were any variances that she knows of in Milpitas. Ms. Hua noted there have not been any variances other than the item that was recently presented at Planning Commission. Ms. Chua then asked Ms. Hua to clarify several variance items noted in the Staff Report provided.

Commissioner Sandhu asked Ms. Hua if she was aware of another sign program that was in excess of 60 feet in the area. Ms. Hua noted she knows of this information.

Chair Mandal asked Ms. Hua what was the height of the signage Mr. Sandhu mentioned. Ms. Hua said that it was 70 feet tall.

Chair invited Applicant, David Richmond with United Sign Systems (sign contractor) to podium where he discussed the project. Answering Ms. Morris' previous question, Mr. Richmond noted that the signs would be LED illuminated; just the letters, not the signs.

Commissioner Morris asked Mr. Richmond when using lit signage as proposed how much of a percentage does business increase. Ms. Richmond said he didn't have the numbers and noted that if you can't see the center, you lose the opportunity to bring in customers.

Chair Mandal asked about the signs being individually illuminated and if there are any residential homes around there. Mr. Richmond said signs are individually illuminated and there is no residential in the area. Mr. Mandal said if near residential would Mr. Richmond change the type of lighting. Mr. Richmond said this is the type of lighting he would recommend if there were a house next door.

Bobby Kaya with Sprig Center, McCarthy Ranch came to podium.

Commissioner Morris asked Mr. Kaya what kind of traffic does he hope to drive in with the signage and projections. Mr. Kaya had no specific numbers for the Commission but his client's did choose this sight because of the location being along the freeway, where signage can be seen.

Vice Chair Ciardella asked Applicant to share how interesting it was on how the Applicant chose the height and location of the sign. Mr. Kaya noted that his architech flew balloons at various heights and drove passed the balloons on I-880.

Commissioner Chua asked why did he chose this type of sign. Mr. Kaya said the Sprig Center chose the illuminated because it looked elegant, attractive and was highly recommended by United Sign Systems and a marketing tool his current tenants deserve.

Chair Mandal invited members of the audience to address the commission and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Chua

AYES: 5

NOES: 0

Motion to adopt Resolution No. 19-004, approving Site Development Permit No. 19-004, approving Site Development Permit No. SD18-0005 and Variance no. VA18-0002, subject to the attached Conditions of Approval and making findings of CEQA Exemption.

Motion/Second: Commissioner Sandhu/Commissioner Morris

AYES: 5

NOES: 0

IX. NEW BUSINESS

X. ADJOURNMENT The meeting was adjourned at 7:55 PM.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Morris/Vice Chair Ciardella

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*